

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 10**

SCHNELLECKE LOGISTICS ALABAMA, LLC)	
)	
and)	Case 10-CA-199183
)	
DONALD EDWIN BUSSEY III, AN INDIVIDUAL)	
)	
SCHNELLECKE LOGISTICS ALABAMA, LLC)	
)	
and)	Case 10-CA-199732
)	
LASHOAN THOMAS, AN INDIVIDUAL)	
)	
SCHNELLECKE LOGISTICS ALABAMA, LLC)	
)	
and)	Case 10-CA-201235
)	
INTERNATIONAL UNION, UNITED)	
AUTOMOBILE, AEROSPACE AND)	
AGRICULTURAL IMPLEMENT WORKS OF)	
AMERICA (UAW) REGION 8)	

**SCHNELLECKE LOGISTICS ALABAMA, LLC'S MOTION
TO EXTEND HEARING DATE**

Respondent Schnellecke Logistics Alabama, LLC ("Respondent") respectfully requests an extension of the hearing date for the above-captioned matter from December 11, 2017, to the week of February 26, 2018. In support, Respondent states as follows:

1. On October 25, 2017, the Regional Director issued a Consolidated Complaint and Notice of Hearing ("Complaint") in this matter.
2. The Complaint set the hearing date for December 11, 2017, in Birmingham, Alabama, just 47 days after the Complaint issued.
3. The Complaint currently involves twenty-two allegations, including allegations of unlawful acts by six different persons and allegations of two unlawful discharges.

4. Given the number of claims and complexity of the issues, it is anticipated that the hearing will take a week. The hearing will also involve multiple witnesses, likely over 10 from Respondent, in addition to Counsel for the General Counsel's and the union's witnesses. It will also likely require subpoenas, pre-hearing briefing and motions.

5. Preparation for the hearing will undoubtedly require a significant commitment of time and resources.

6. The currently scheduled expedited hearing date works a substantial hardship on Respondent and Respondent's counsel. Accordingly, Respondent requests a reasonable extension.

7. As of the time of the filing of this Motion, an Administrative Law Judge (ALJ) has not yet been assigned to this matter. Accordingly, no pre-hearing matters have been addressed, let alone considered, yet the hearing is just weeks away. Pre-hearing matters include, but are not limited to, the number and scheduling of witnesses, the submission of exhibits, the length of the trial, the potential for reaching a settlement or stipulation of facts, pretrial discovery, and subpoena issues. An extension is necessary to provide the ALJ and the parties adequate time to address all pre-hearing matters.

8. Respondent has learned from the Region that further consolidation will likely occur and additional allegations will be added to the case. Accordingly, Respondent, essentially, must prepare for a hearing without full knowledge of the allegations. An extension is necessary to provide Respondent sufficient notice and time to prepare its defenses once the new allegations are added.

9. The Region is also still investigating other unfair labor practice allegations against Respondent. It is a waste of resources and time to expedite this matter when the Region has not

yet finished its investigation into all of the allegations made against Respondent. An extension is necessary to provide the Region adequate time to investigate, and Respondent adequate time to respond, and the opportunity for further case consolidation, if necessary under the facts and circumstances and with sufficient notice to Respondent so that it has time to prepare its defenses.

10. The hearing also interferes with Respondent's business obligations. Respondent is on limited production the week of Thanksgiving (November 20-24). Because of the expedited hearing date, it will have to divert important time and resources from its post-limited production ramp up to preparing for hearing, which will interfere with Respondent's business.

11. The hearing also conflicts with the Respondent's counsels' schedule. Mr. Debruge and Ms. Cowan have an NLRB hearing in Chattanooga, TN on November 16-17, 2017, which will include post-hearing briefing.¹ The undersigned counsel also have numerous previously made work and personal commitments that, despite their best efforts and with due diligence and priority to this matter, will make it very difficult to adequately prepare for hearing.

12. Failure to grant the extension will impose a substantial burden on Respondent and its counsel. Respondent will be denied sufficient notice of the allegations and time to prepare (*e.g.*, "new" allegations could be added), will be restricted in pre-hearing interactions with the ALJ (who has not even been assigned), will be susceptible to a second hearing covering similar issues (the currently pending unfair labor practice charge) and will have its resources unnecessarily strained and diverted.

13. Good and sufficient grounds exist for moving the hearing date, and this motion is timely as it is made within twenty-one (21) days prior to the hearing. See; 29 C.F.R. §

¹ *WestRock Services, Inc., and Graphic Communications Conference of the International Brotherhood of Teamsters, Local 197-M* (hereinafter referred to as the "WestRock" matter), Case no. 10-CA-195617

102.16(a)(5). Accordingly, Respondent respectfully requests that the hearing be rescheduled for the week of February 26, 2018.

WHEREFORE, PREMISES CONSIDERED, Respondent respectfully requests that the hearing set on December 11, 2017, be moved to the week of February 26, 2018.

/s/ Michael L. Lucas

Marcel L. Debruge

Michael L. Lucas

Meryl L. Cowan

ATTORNEYS FOR RESPONDENT

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was electronically filed and a copy sent to the following via e-mail and/or U.S. Mail, on this the 15th day of November, 2017:

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